

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

THIS DOCUMENT RELATES TO:
2:14-cv-01995-AB [ECF No. 2]

ORDER

On April 2, 2014, the United States Judicial Panel on Multidistrict Litigation transferred to this multidistrict litigation, MDL No. 2323, the action now captioned *Lewis, et al. v. Kansas City Chiefs Football Club, Inc.*, Civ. A. 2:14-cv-1995-AB. JPML Transfer Order, April 2, 2014, ECF No. 5894. The Panel transferred the case despite the fact that the *Lewis* plaintiffs named the Chiefs, but not the NFL, as the defendant in their Amended Petition originally filed in Missouri state court. *Id.* (“We are not persuaded that the absence of the NFL as a defendant weighs against transfer in this instance. Several actions naming other NFL member clubs, as well as the NFL, have been transferred to MDL No. 2323 [T]he defendant in this action (the Chiefs) shares counsel with the primary MDL defendant (the NFL).”).

On April 24, 2014, the *Lewis* plaintiffs filed a motion for modification of my Case Management Order (“CMO”) No. 4 to include language that their Amended Petition would remain the controlling pleading for all *Lewis* plaintiffs in this multidistrict litigation. *Lewis* Mot., April 24, 2014, ECF No. 5941. CMO No. 4 provides that “All allegations, claims, theories of recovery and/or prayers for relief contained in complaints by individual plaintiffs in cases that have been coordinated and/or consolidated in this Multi-District Litigation (“MDL”) . . . are deemed to be amended, restated and superseded by the allegations, claims, theories of recovery

and/or prayers for relief contained in the Master Individual Personal Injury Complaint together with the individual plaintiff's Short Form Complaint" CMO No. 4 ¶ 1, June 21, 2012, ECF No. 98. "The Master Individual Personal Injury Complaint, together with the individual plaintiff's Short Form Complaint, shall remain the controlling pleading if that individual plaintiff's action . . . is transferred or remanded back to the court from which it was transferred." *Id.*

Since filing their motion, however, the *Lewis* plaintiffs have in fact filed short-form complaints in MDL No. 2323 alleging claims exclusively against the Chiefs and adopting by reference the claims in their Missouri state court Amended Petition. Short Form Compls., May 2, 2014, ECF Nos. 6005-6018. Therefore, no modification of CMO No. 4 is needed.

AND NOW, this __31st__ day of July, 2014, it is **ORDERED** that the motion to modify Case Management Order ("CMO") No. 4 [ECF No. 5941] is **DENIED**.

s/Anita B. Brody

ANITA B. BRODY, J.

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